

Office of the Standing Chapter 13 Trustee
125 East John Carpenter Freeway, Suite 1100
Irving, Texas 75062
(241) 855-9200

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

In Re:

Ben Clark, Jr.

Debtor(s)

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Case No. **15-30160-SGJ-13**
Chapter 13

TRUSTEE'S STATEMENT PURSUANT TO 11 U.S.C. 1302(c)

The Standing Trustee hereby submits this Statement of Investigation of the financial affairs of the Debtor(s) pursuant to 11 U.S.C. 1302(c):

1. Name of business: Dr. Ben Clark Jr and Associates.
2. Type of business: podiatrist.
3. Type of business entity: sole proprietorship.
4. Location of business: Dallas, Texas.
5. Business license required and current: yes.
6. Business insurance required and current: yes.
7. All required federal tax returns have been filed: yes.
If no, list unfilled returns:
8. Debtor obtains trade credit in the operation of the business: yes.
9. Number of employees or contract laborers (excluding family members): two interns.
10. The result of the Trustee's investigation pursuant to 11 U.S.C. 1106(a) is summarized in Exhibit I.

Dated this 1st day of May 2015.

/s/ Thomas D. Powers
Thomas D. Powers
Standing Chapter 13 Trustee

EXHIBIT I.

Analysis of Financial Data and Trustee's Recommendation

Case Name: Ben Clark, Jr.
Case No.: 15-30160

	Tax Year 2013	Monthly Average	P & L 6 months 3-2015	Monthly Average	Schedule I & J	CMI B22C
Gross Income	158,303	13,192	89,957	14,993	15,370	23,055
Less Cost of Goods Sold						
Gross Profit	158,303	13,192	89,957	14,993	15,370	23,055
Less Business Expenses	136,737	11,395	60,260	10,043	12,039	18,508
Net Profit	21,566	1,797	29,697	4,950	3,331	4,547
Plus Paid to Owner						
Plus Depreciation						
Plus Other Income	23,195	1,933			1,898	
Total Before Tax Income	44,761	3,730	29,697	4,950	5,229	4,547
Less Income & SE Taxes	7,180	598				
Net After Tax Income	37,581	3,132	29,697	4,950	5,229	4,547

Dr. Clark has been a podiatrist for approximately forty-four years. The business made a net profit in 2013. The 2014 tax return has not been filed but the company continued to be profitable during the three-month period ending in March 2015. The profit actually earned is significantly higher than that reflected in the bankruptcy schedules. However, the Internal Revenue Service has filed a proof of claim for secured and priority debts in the approximate amount of \$272,600.00. The debtor's plan does not provide any amount for federal taxes. Even though a large tax debt exists, there is nothing in the budget for current and future federal income and self-employment taxes. Finally, the budget shows a large negative surplus so even with the larger profit shown on the profit and loss statement added in, there is still not enough income to pay the debtor's personal living expenses and fund the chapter 13 plan.

It is the opinion of the Trustee pursuant to 11 U.S.C. 1302(c) and 1106(a), based upon the financial data furnished by the debtor, that the debtor's business is not viable, the continuance of the business is not desirable and **the plan is not feasible**. The Trustee is not aware of any facts pertaining to fraud, dishonesty, incompetence, misconduct, mismanagement, or irregularity in the management of the affairs of the debtor, or of a cause of action available to the estate.

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Trustee's Statement Pursuant to 11 U.S.C. 1302(c)
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Certificate of Service

I hereby certify that a copy of the foregoing "Trustee's Statement Pursuant to 11 U.S.C. 1302(c)" was served on the following parties at the addresses listed below by United States First Class Mail or via electronic mail.

Debtor: Ben Clark Jr, 4808 Troon Circle, Dallas, Tx 75287
Attorney: The Laas Law Firm, Jason Laas-Sughrue, 10440 N Central Expy Ste 1510, Dallas, Tx 75231
Notice Creditor(s): County Of Dallas, Co Linebarger Goggan Blair Et Al, 2777 N Stemmons Fwy Ste 1000, Dallas, Tx 75207
Mackie Wolf Zientz And Mann Pc, Parkway Office Center Suite 900, 14160 North Dallas Parkway, Dallas, Tx 75254

Dated: 5/1/2015

By: /s/ Thomas D. Powers

Thomas D. Powers, Chapter 13 Trustee
State Bar No. 16218700